

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KALIEF RETHAGE,	)	
	)	Civil Action No. 05 - 289
Petitioner,	)	
	)	Judge Gary L. Lancaster /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
ATTORNEY GENERAL OF THE STATE	)	
OF PA, et al,	)	
	)	
Respondents.	)	

**ORDER**

The above captioned case was initiated on March 4, 2005, by the filing of a Petition for Writ of Habeas Corpus (Doc. No. 1). The case is assigned to Judge Gary L. Lancaster and referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and 72.1.3 and 72.1.4 of the Local Rules.

The Magistrate Judge's Report and Recommendation (Doc. No. 30), filed on August 24, 2009, recommended that Petitioner's Relief from Judgment (Doc. No. 27) be denied. The Petitioner was served at his address of record, which is S.C.I. Pine Grove, 191 Fyock Road, Indiana, PA 15701. He was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. Untimely Objections to the Report and Recommendation (Doc. No. 31) were filed on September 29, 2009. After a review of the pleadings and documents in the case, together with the report and recommendation and the objections thereof, the following order is entered:

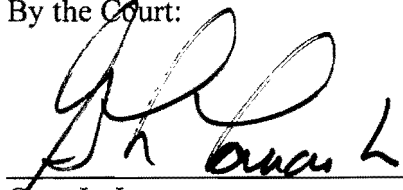
AND NOW, this 16<sup>th</sup> day of Oct, 2009;

**IT IS HEREBY ORDERED** that Petitioner's Relief from Judgment (Doc. No. 27) is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 30) of Magistrate Judge Lenihan, dated August 24, 2009, is adopted as the opinion of the court.

Dated:

By the Court:

  
\_\_\_\_\_  
Gary L. Lancaster  
Chief United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Kalief Rethage  
EL - 7596  
S.C.I. Pine Grove  
191 Fyock Road  
Indiana, PA 15701

Counsel of record.